

REMARKS/ARGUMENTS

Favorable reconsideration of this application as currently amended and in view of the following remarks is respectfully requested.

Claims 26-29, 31-36, 38-49, 51-56, 58-62, 64, 65, and 67-72 are currently active in this case. Independent claims 25, 37, 50, 63, and 66 have been cancelled, claims 26-28, 31-33, 35, 36, 38-40, 42, 44, 46, 48, 49, 51-53, 55, 58, 61, 62, 64, 65, and 67 have been amended, and independent claims 68-72 have been added by the current amendment.

In the outstanding Office Action, claims 25-33, 35-46, 48-59, and 61-65 were rejected under 35 USC 102(e) as being anticipated by US Patent Application Publication No. 2001/0053944 to Marks et al.; claims 34, 47, and 60 were rejected under 35 USC 103(a) as being unpatentable over Marks in view of US Patent No. 6,587,127 to Leeke et al.; and claims 68 and 67 were rejected under 35 USC 103(a) as being unpatentable over Marks in view of Leeke.

The newly added independent claims clarify that, in the present invention, the main service, one or more additional services, and the service information are transmitted in the same service channel. As described on page 2, lines 26 to 30 of the specification, the broadcast data of an additional service is usually a part of the broadcast data of the main service. Further, it is described on page 11, lines 13 to 19 of the specification that the service channel can include the service information.

In contrast thereto, in Marks et al., a number of channels of one station are provided for transmitting the various alternative channels to be received (e.g. a top channel, a side channel, a program channel). In the present invention (claim 68) the main service and the additional services are transmitted in the same service channel.

A comparison of newly added claim 68 with the audio Internet navigation system of Marks shows that Marks does not disclose or suggest providing one or more additional

services temporarily included within a main service over the same service channel. As shown in Fig. 17 of Marks, the top channel which the office action regards as a main service and the other channels which the office action regards as the additional services of the station FM KXXX are separated from each other. As is described in paragraph [0046] of Marks, the channel dial can select different channels within one station. In the case where there is only one option available for non-network stations, the channel dial will do nothing. Also in paragraph [0054] of Marks, it is described in lines 4 to 7, that if the station is not an affiliate, nothing will change and the top channel will continue to play unmodified. By contrast, the present invention (claim 68) includes only one service channel which includes the main service, one or more additional services, and the service information.

Further, from Marks it is not taught or suggested that a main service, one or more additional services, and the service information indicating how to access the at least one additional service are included in the service channel. If the top channel in Marks is compared with the service channel according to the invention, then Marks does not teach or suggest the one or more additional services and the service information included in the same channel. Thus, from Marks it is also not taught or suggested to extract, store, and update the service information included in the same channel. Since, as mentioned above, in paragraph [0054] of Marks it is described that nothing will change if the station is not an affiliate, the steps of (i) activating the receiving device, or necessary parts thereof, (ii) accessing an additional service, and (iii) returning the receiving device or said parts thereof to a pre-activation state during the remainder of the time are not taught or suggested by Marks.

Further, Marks would not have suggested to a person skilled in the art to place all channels (e.g. of station FM KXXX in Fig. 17) in one channel. In contrast thereto, on page 2, lines 20 to 23 of the specification, it is described that one would not permanently broadcast the additional services in the same channel because this would lower the quality of the main

service. Therefore, in the present invention the additional services are transmitted only temporarily.

For the foregoing reasons, Marks is not believed to anticipate or render obvious the subject matter defined by claim 68. The same arguments apply to independent claims 69-71. Thus, the subject matter of those claims are also believed to be allowable.

Claims 34, 47, 60, 66 and 67 stand currently rejected under U.S.C. § 103(a) as being unpatentable over Marks in view of Leeke. Claims 34, 47, and 60 depend from claims 68, 69, and 70, respectively, and are believed to be allowable for at least the same reasons that claims 68-70 are believed to be allowable.

Regarding newly added claim 72, it recites similar features relating to the unidirectional transmission between the service provider and the receiving device and the service channel. Consequently, claim 72 is believed to be allowable over Marks and Leeke.

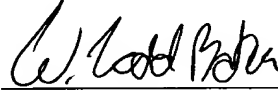
Neither Marks nor Leeke disclose or suggest an apparatus for accessing an additional service that is included in a service channel together with a main service and service information indicating how to access the additional service. The audio Internet navigation system of Marks as well as the content player of Leeke use different channels for their contents. Further, both systems are feedback systems in which information flows from the receiving station to a service provider. Applicants submit that a person of ordinary skill in the art would not have obtained any suggestion from Leeke to modify a receiving device of the audio Internet navigation system of Marks in such a way that the main service and an additional service as well as service information are received in a single service channel. Thus, Marks is not believed to anticipate or render obvious the subject matter of claim 72 when considered in view of Leeke. Claim 67 is dependent on claim 72 and is thus believed to be allowable for at least the same reasons.

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In view of the current amendment, no further issues are believed to remain. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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